

**LEGISLATIVE COUNSEL  
FILE COPY**

*Military Personnel  
Civilian Employees Claim*

96TH CONGRESS  
2D SESSION

**S. 2582**

To provide for the settlement and payment of claims of civilian and military personnel against the United States for losses in connection with the evacuation of such personnel from a foreign country.

---

**IN THE SENATE OF THE UNITED STATES**

APRIL 17 (legislative day, JANUARY 3), 1980

Mr. CHURCH introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

**A BILL**

To provide for the settlement and payment of claims of civilian and military personnel against the United States for losses in connection with the evacuation of such personnel from a foreign country.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 *That the Military Personnel and Civilian Employees' Claims*
- 4 *Act of 1964 (78 Stat. 767, 31 U.S.C. 240 et seq.) is amend-*
- 5 *ed by adding at the end thereof the following new section:*
- 6 *"SEC. 9. (a) Subject to any policies that the President*
- 7 *may prescribe, the head of any agency, or his designee, may*

DECLASSIFIED  
7/10/00

2

1 settle and pay not more than \$40,000 for any claim against  
2 the United States made by a member of the uniformed serv-  
3 ices under the jurisdiction of that agency or by a civilian  
4 officer or employee of that agency for damage to, or loss of  
5 personal property in a foreign country, incurred on or after  
6 December 31, 1978, which damage or loss was incident to  
7 the service of that member, officer, or employee, and

8       “(1)(A) that member, officer, or employee was evacuat-  
9 ed from that country on or after December 31, 1978, in ac-  
10 cordance with a recommendation or order of the Secretary of  
11 State or other competent authority which was made in re-  
12 sponse to incidents of political unrest or hostile acts by  
13 people in that country, and

14       (B) that damage or loss resulted from that evacuation or  
15 from any such incident or hostile act; or

16       “(2) that damage or loss resulted from acts of mob vio-  
17 lence, terrorist attacks, or other hostile acts, directed against  
18 the United States Government or its officers or employees.

19       “(b) The head of the agency, or his designee, authorized  
20 under subsection (a) to settle and pay a claim of a person  
21 described in such subsection may, if such person is deceased,  
22 settle and pay any claim made by the decedent's surviving (1)  
23 spouse, (2) children, (3) father or mother, or both, or (4)  
24 brothers or sisters, or both, that arose before, concurrently  
25 with, or after the decedent's death and is otherwise covered

1 by this section. Claims of survivors shall be settled and paid  
2 in the order set forth in the preceding sentence.

3       “(c) A claim may be allowed under this section only if it  
4 is presented in writing within two years after the claim ac-  
5 crues, or within one year after the date of the enactment of  
6 this section, whichever is later.

7       “(d) The head of each agency shall issue regulations to  
8 carry out this section. The same standards applied in adjudi-  
9 cating a claim under section 3 of this Act shall be applied in  
10 adjudicating a claim under this section. Any claim to which  
11 this section applies but which has been adjudicated under  
12 section 3 of this Act by the applicable head of an agency  
13 before the date of the enactment of this section shall not be  
14 adjudicated under this section, but any amount of loss adjudi-  
15 cated under such section 3 in connection with that claim  
16 which has not been paid shall be payable to the extent per-  
17 mitted in this section.

18       “(e) Upon payment of a claim under this section, the  
19 United States shall, to the extent of the amount of such pay-  
20 ment, be subrogated to any right or claim, with respect to the  
21 same damage or loss for which the claim under this section  
22 was paid, that the claimant may have against the foreign  
23 country in which that damage or loss occurred.”